

Docket Item #6
SPECIAL USE PERMIT #96-0021

Planning Commission Meeting
May 9, 1996

ISSUE: Consideration of a request for a special use permit to change the hours of operation of the existing restaurant.

APPLICANT: Mostafa Movahed
by Harry P. Hart, attorney

LOCATION: 1623 Duke Street
Table Talk Restaurant

ZONE: OCH/Office Commercial High

CITY COUNCIL ACTION, MAY 18, 1996: Approved the Planning Commission recommendation and approved the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

PLANNING COMMISSION ACTION, MAY 9, 1996: On a motion by Mr. Komoroske, seconded by Mr. Wagner, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 4 to 0 to 1. Mr. Leibach abstained and Mr. Ragland and Ms. Fossum were absent.

Reason: The Planning Commission discussed staff's proposed new condition regarding trash and garbage and voted separately to recommend its use. The motion carried on a 4 to 1 vote. Mr. Leibach voted against the motion and Mr. Ragland and Ms. Fossum were absent.

Speakers:

There were no speakers.

PLANNING COMMISSION ACTION, APRIL 2, 1996: The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&CD) (SUP #1974)
2. Seating shall be provided inside for no more than 96 patrons. (P&CD) (SUP #1974)
3. No outside dining facilities shall be located on the premises. (P&CD) (SUP #1974)
4. The hours during which the business is open to the public shall be restricted to between 6:00 A.M. and 11:00 P.M., daily. (P&Z)
5. No food, beverages, or other material shall be stored outside. (P&CD) (SUP #1974)
6. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)
7. Condition deleted.
8. Landscaping installed on the property shall be maintained at all times. (P&Z)
9. No live entertainment shall be provided at the restaurant. (P&Z)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
11. Alcoholic beverages shall be sold for on-premises consumption only. (P&Z)
12. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business,

and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)

13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
14. No amplified sound shall be audible at the property line. (P&Z)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)
16. The Director of Planning and Zoning shall review the special use permit one year after City Council approval, in May, 1997, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, Mostafa Movahed, is requesting approval to change the hours of operation at Table Talk restaurant, so that the existing restaurant may remain open for dinner.
2. The subject property is one lot of record, with 89.33 feet of frontage along Duke Street, a depth of 150 feet, and a lot area of 13,400 square feet. The property is developed by a one story building and a parking lot with 30 spaces.
3. On May 11, 1987, City Council approved Special Use Permit #1974, which allowed the applicant to construct an addition, and add 16 seats to the 80 seat restaurant. On November 11, 1994, staff approved Special Use Permit #94-0360, a minor amendment, allowing the applicant to install a freestanding, walk-in freezer for storage in the parking lot. Then, on January 12, 1995, staff approved Special Use Permit #95-0002, also as a minor amendment, which allowed the applicant to construct a small storage room between the building and the freezer and to remodel the restroom to comply with the Americans with Disabilities Act guidelines.
4. The current request is to extend the hours of operation for the restaurant, until 11:00 P.M. daily, so that the applicant may serve dinner. The current hours and proposed hours of operation are as follows:

Current hours of operation	Proposed hours of operation
6:00 AM-4:00 PM, Mon.-Fri.	6:00 AM-11:00 PM, daily
6:00 AM-2:00 PM, Sat.-Sun.	

5. The restaurant has 78 seats at tables and 18 seats at a bar/counter. Carry-out service is also available.
6. The restaurant offers beer, wine and bar service for on-premises consumption.
7. On March 11, 1996, staff visited the subject property and found the restaurant operating in compliance with the conditions of its special use permit. Staff has not received any complaints regarding the operation of the restaurant.
8. Pursuant to section 8-200(A)(8) of the zoning ordinance, a

restaurant with 96 seats is required to provide 24 parking spaces. The existing parking lot contains 30 parking spaces.

9. Zoning: The subject property is zoned OCH/Office Commercial High. Section 4-1103(W) of the zoning ordinance permits restaurants only with a special use permit in the OCH zone.
10. Master Plan: The proposed use is consistent with the King Street/Eisenhower Avenue Metro Station Small Area Plan chapter of the Master Plan which designates the property OCH.

STAFF ANALYSIS:

Staff has no objection to the proposed expansion of hours at Table Talk restaurant. The proposed 11:00 PM closing hour is reasonable and should have negligible impact on residences in the surrounding neighborhood. The evening hours will serve the workers in the upper King Street area, and students at the new George Washington University extension. Further, the applicant will draw customers from the Federal Courthouse and residents at Carlyle Towers, which will be occupied in April and May. The applicant has adequate parking for the restaurant.

Staff recommends approval.

STAFF: Sheldon Lynn, Director, Department of Planning and Zoning;
Elizabeth Wilcox, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation
 S - suggestion F - finding

Transportation & Environmental Services:

R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys, or storm sewers.

Code Enforcement:

F-1 No Comments.

Health Department:

F-1 No Comments.

Police Department:

R-1 Security survey for the business.

R-2 Robbery awareness program for all employees.

R-3 Recommend "ABC On" license only. If "ABC Off" is approved, we recommend the following conditions:

1. That the sale of single beers be prohibited. A single sale of beer is defined as any container having 40 fluid ounces or less;
2. That chilled beer may only be sold in six-packs or eight-packs and no more than one six-pack or eight-pack may be sold to any one customer at a time. Additional sales of beer to the same customer may not be chilled;
3. That no fortified wine may be sold. Fortified wines are defined as wines having an alcohol content of more than 14% by volume but not more than 21%;
4. That the sale of beer and wine before 11:00 a.m. and after 9:00 p.m. is prohibited; and

5. That the SUP is reviewed after one year.

REPORT ATTACHMENTS